

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-025559

08/25/2010

HON. SAM J. MYERS

CLERK OF THE COURT
L. Firriello
Deputy

DAVID ROBERTS, et al.

MARK DEATHERAGE

v.

DARK COMET GAMES L L C, et al.

PAUL A CONANT

WADE M BURGESSON
GREGORY G MCGILL
JUDGE OBERBILLIG

HEARING SET

2:50 p.m. This is the time set for Order to Show Cause Return Hearing re Plaintiffs' Application for Temporary Restraining Order. Plaintiffs are represented by counsel Mark Deatherage. Defendants Dark Comet Games, LLC, Fresh Start Studios, LLC, Karl Hiatt, Mark Renberg and Chris Lombardo are represented by counsel Paul A. Conant and Melissa A. Emmel. CME and CMG parties are represented by Gregory G. McGill. Receiver Edward Burr is present and represented by counsel Wade M. Burgeson.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held.

IT IS ORDERED granting Motion to Transfer this case to Judge Sam J. Myers.

Personal service has not yet been effected upon Defendant Harlan James Brown II. Counsel request a Preliminary Injunction Hearing be set.

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IT IS ORDERED setting Preliminary Injunction Hearing **October 6, 2010 at 9:00 a.m. for One (1) Day (9:00 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m.) with the time to be divided equally** before:

**THE HONORABLE SAM J. MYERS
MARICOPA COUNTY SUPERIOR COURT
CENTRAL COURT BUILDING
201 W. JEFFERSON
7TH FLOOR, COURTROOM 711
PHOENIX, AZ 85003
602-372-2940 TEL
602-372-8744 FAX**

At least one week before the hearing, counsel shall present any and **all** exhibits for marking. The exhibits will be marked **numerically and serially** - Plaintiff's first, Defendant's second. Duplicate exhibits will not be marked. Counsel shall also present original depositions for filing at that time. **The Court requires one set of exhibits to be marked and a second set in a binder for the Judge's use during the hearing.**

IT IS ORDERED the parties may engage in limited expedited discovery.

Oral argument is heard re Plaintiffs' Application for Temporary Restraining Order.

The Court has reviewed the application and considered the arguments of counsel.

For the reasons stated on the record,

IT IS ORDERED denying Plaintiffs' Application for Temporary Restraining Order.

3:35 p.m. Matter concludes.

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Court Reporter

The proceeding will take place in the Superior Court's "e-courtroom." A record of the proceedings will be made by videotape and CD in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a videotape or CD of the proceedings for a \$20.00 charge. If a CD or videotape is requested, please obtain a form from the Self Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee **at the Self Service Center**. Attach the receipt showing payment of the fee and present both the receipt and the form to the courtroom clerk or bailiff. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.** Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. To request a transcript, call 602-506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

If a court reporter is required, the Court must receive a written request at least 48 hours before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>